

Appl. No. 10/798,495
Response Dated April 4, 2006
Response to Office Action dated October 4, 2005

REMARKS

Specification

The examiner noted that the numbering of the claims contained a clerical error and that misnumbered claim 31 has been renumbered to claim 32. The listing of claims herein reflects that change.

Claim Rejections

35 U.S.C. 112

The examiner rejected claims 3 and 17 under 35 U.S.C. 112, second paragraph because the examiner believes that the reference "without being fixed to" is unclear. Applicants have studied the claims and made the suggested changes to claim 3. Claim 17 does not have the language identified by the examiner, and applicants believe that the examiner meant to identify claim 22. Accordingly, applicants corrected claim 22 pursuant to the examiner's suggestion. Applicant respectfully requests that the examiner notify applicant's counsel if the incorrect claim has been amended.

35 U.S.C. 102(e)

Zehrung References

The examiner rejected claims 1-3, 14 and 15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,732,557 to Zehrung.

The examiner also rejected claims 1, 4-7, 29-31 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,856,221 to Zehrung.

Appl. No. 10/798,495
Response Dated April 4, 2006
Response to Office Action dated October 4, 2005

Of these rejected claims, 1 and 29 are independent claims from which the remaining claims depend.

Although applicant does not necessarily agree with the examiner's findings herein, claims 1 and 29 have been amended to further distinguish them over the cited references. Both now include similar limitations to the solenoid spring substantially as follows:

"wherein said solenoid spring has a spring rate and said solenoid assembly has a power curve, said spring rate of said solenoid spring substantially matching the power curve of said solenoid assembly."

The specification notes that advantages provided by this type of spring, as follows:

The spring 136 can be arranged to provide advantages over the conventional springs and can improve both the performance and life of the lock 10. The preferred spring has a spring rate (ratio of load over distance of compression) that closely matches the power curve of the solenoid. . . . In comparison, the conical spring exerts much less pressure at the beginning of its compression stroke compared to the end of the stroke. This provides the advantage of the conical spring experiencing less stress on the spring material, which can result in the spring operating longer without a failure.

These added limitations to claims 1 and 29 are similar to the limitation in now cancelled claim 30. In rejecting this claim the examiner found that the '221 Zehrung patent discloses this reference. Applicant has studied the examiner's comments and the '221 Zehring patent and respectfully submit that the patent does not disclose teach or suggest these limitations. The spring in Zehrung is shown to be reference number 36 and described as "a spring 36 coiled about the armature shaft 32." There is no

Appl. No. 10/798,495
Response Dated April 4, 2006
Response to Office Action dated October 4, 2005

description or suggestion that the spring have a spring rate substantially matching the power curve of the solenoid assembly.

Applicant respectfully submits that claims 1 and 29 are allowable over the Zehrung references. The remaining claims depend from claims 1 and 29 and are also allowable.

Kambic Reference

The examiner rejected claims 1, 8-12, 25 and 28 as being anticipated by U.S. Patent No. 4,429,556 to Kambic. Of these claims, 1 and 25 are independent claims from which the remaining claims depend.

As discussed above, claim 1 has been amended to include limitations regarding a solenoid spring. Kambic does not disclose, teach or suggest these limitations such that claim 1 is allowable over Kambic.

Claim 25 has been amended to include limitations to "a latch bolt mounted within said housing and being movable from partially extending from and retracted into said housing, wherein said latch bolt comprises a retractor that melts at an elevated temperature so that said latch bolt cannot thereafter be retracted." Kambic does not disclose, teach or suggest this limitation, such that claim 25 is allowable over Kambic.

Claims 1-8 and 28 depend from claims 1 and 25 and are also allowable.

35 U.S.C. 103

The examiner rejected claim 13, 16, 17-24, 26-28 and 32 under 35 U.S.C. 103(a) as being unpatentable over certain combined references. The applicants do not agree with the examiner's findings herein, but respectfully point out that some of these claims are allowable as depending from allowable independent claims.

Appl. No. 10/798,495
Response Dated April 4, 2006
Response to Office Action dated October 4, 2005

Claims 13 and 16 are allowable as depending from allowable claim 1.

Claims 26-28 are allowable as depending from allowable claim 25.

Claim 32 is allowable as depending from allowable claim 29.

Of the remaining claims 17-24, 17 is an independent claim from which the remaining claims depend. To further distinguish claim 17 from the cited references it has been amended to include limitation to;

"a latch bolt mounted within said housing and being movable from partially extending from and retracted into said housing wherein said latch bolt comprises a retractor that melts at an elevated temperature so that said latch bolt cannot thereafter be retracted"

Claim 17 was rejected by the examiner as being unpatentable over Kambic in view of the '221 Zehrung patent. Kambic and Zehrung do not disclose, teach or suggest this limitation such that claim 17 is allowable over these references.

Claim 16 is an dependant claim that contains similar limitations regarding the melting latch bolt. In rejecting this claim the examiner cited U.S. Patent No. 6,732,557 to Lin as disclosing this limitation. Applicant respectfully submits that Lin does not disclose teach or suggest this limitation. Lin discloses a support member 403b that melts under high temperature of a fire. In the claimed invention, it is the retractor portion of the latch bolt that melts under temperature. There is no disclosure or suggestion in Lin to make any portion of a latch bolt from a material that melts under elevated temperatures.

Applicant respectfully submits that claim 17 is allowable over the cited references and that claims 18-24 are allowable as depending from an allowable independent claim.

Appl. No. 10/798,495
Response Dated April 4, 2006
Response to Office Action dated October 4, 2005

Applicant submits that pending claims 1-29, 31 and 32 are allowable and respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Jaye G. Heybl
Attorney for Applicants
Registration No. 42,661

April 4, 2006

KOPPEL PATRICK & HEYBL
555 St. Charles Drive, Suite #107
Thousand Oaks, CA 91360
(805) 373-0060